

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL No. 2724
16-MD-2724

HON. CYNTHIA M. RUFE

THIS DOCUMENT RELATES TO:

*State of Connecticut, et al., v. Teva Pharmaceuticals
USA, Inc., et al.*

No. 19-CV-2407

**DEFENDANT KONSTANTIN OSTAFICIUK'S
MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

Defendant Konstantin Ostaficiuk, by and through his undersigned counsel, Schertler Onorato Mead & Sears, hereby moves this Court for the entry of an order dismissing all claims against him in Plaintiffs' Amended Complaint (Dkt. No. 106, Counts 30 and 35) pursuant to Federal Rule of Civil Procedure 12(b)(6). The grounds for this Motion are set forth more fully in the accompanying Memorandum of Law, as well as the three memoranda of law filed by Defendants on the grounds that (1) the Plaintiff States lack standing to bring their federal law

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claims, (2) the state law claims fail for a variety of reasons, and (3) the Plaintiff States have engaged in impermissible claim splitting.

November 2, 2020

Respectfully submitted,

/s/ David Schertler

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